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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,933	08/05/2002	Andrea Heilingbrunner	112740-549	9209
29177	7590	03/01/2006		EXAMINER
BELL, BOYD & LLOYD, LLC				ST CYR, DANIEL
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A

Office Action Summary	Application No.	Applicant(s)
	10/049,933	HEILINGBRUNNER ET AL.
	Examiner	Art Unit
	Daniel St.Cyr	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 August 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/03.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of pre-amendment filed 8/05/02 in which claims 1-30 were canceled and 31-65 were added.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The specification of the disclosure is objected to because the continuation data is missing on the first line of the first page.

Claim Objections

4. Claim 51 is objected to because of the following informalities: line 2 “itself”, should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 52, 53, 55, 57, 58, are rejected under 35 U.S.C. 102(b) as being anticipated by White, GB Patent No. 2,302,976.

White discloses a security method and apparatus for ordering goods comprising: a customer orders goods from a supplier; the supplier communicates a code message to the customer; the supplier stores the goods in a locked cabinet; the customer transfers the code to the

lock for unlocking the cabinet through an inputting device (see page 2, see figures 1-4). With respect comparing the code in order to unlock the code is inherently included (specific code is generated whenever an order is placed).

Re claim 53, inherently the key is invalidated if no match occurs.

Re claim 55, a receiver and a transmitter are included in order to communicate the key between the parties.

Re claims 57-58, the locking device is incorporate into a plurality similar lockers (cabinets) (see figures 1, 4).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 31-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over White GB Patent No. 2,302,976, in view of Vega, US Patent No. 6,745,941. The teachings of White have been discussed above.

White fails to specifically disclose a personal terminal, such as PDA, for receiving the code wherein the code is communicated to the locking means using short-range wireless communication.

Vega discloses an electronic key (PDA) with optical scanner comprising: an electronic key 12 having a case 13, display 14, a keypad 24, and infrared transceiver 43 for transmitting data electronically to locking devices; a stand 80 having a telephone line connected therein for radio communication.

In view of Vega's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system white to incorporate the PDA communication system into the system of White for communicating with the supplier to receive the code and for operating the locking mechanism. Such modification would provide greater convenience by directly transmitting the code to the customer's PDA, which would eliminate having to memorize or note the code and would provide greater security wherein the code would be transmitted electronically, which would make it more difficult for an authorized person to intercept the code. With respect to how the code is generated (i.e. random or else), setting time limit to use the code, setting a single code to group of lockers, etc., these limitations falls within engineering design choice for meeting specific customer requirement, to control access to the lockers and to make the lockers available for subsequent customers. Therefore, it would have been an obvious extension as taught White.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sosan, US Patent No. 5,624,071. Tsukuda, US Patent No. 6,085,170. Holcombe, US Patent No. 6,356,375. White, US Patent No. 6,764,004. Outslay et al, US Patent No. 6,937,140.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
Art Unit 2876

DS
February 20, 2006

